

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice FLP-70

1951-S, 1955-A

For: State and County Offices

**Continuing the State FSA Civil Rights Independent Review Groups
for the Review of Pending Acceleration and Foreclosure Cases**

Approved by: Acting Administrator



Note: No accelerations or subsequent actions on foreclosures or forced liquidations are to proceed until compliance with this notice is achieved.

1 Overview

A

Background

Notice FC-150, issued on October 22, 1997, established a procedure for State civil rights self-certification by implementing a State FSA Civil Rights Independent Review Group. Notice FC-150 was replaced by Notice FLP-6 which expires on September 1, 1999.

B

Purpose

This notice:

- replaces Notice FLP-6
- continues the requirements of Notice FLP-6 which have **not** been changed by this notice.

FSA-580 (Primary Loan Servicing Checklist) and FSA-581 (Review Data for Inequitable Treatment):

- have **not** been changed
- are available on FSA BBS in the National Forms library.

C

Contact

If there are any questions, State Offices shall contact Bruce Mair, LSPMD.

Disposal Date

January 1, 2001

8-11-99

Distribution

State Offices; State Offices relay to County Offices

2 Action

A Continuing the State Review Group

Each State Office shall re-establish the appointment of the Civil Rights Independent Review Group, which is representative of the State population, to determine whether discrimination or inequitable treatment contributed to the failure of the farming operation. Each member in the group must have an equal voice. The group shall consist of at least the following:

- Food and Agriculture Council (FAC) member or designee
- SED
- State Committee (STC) Minority Advisor or STC minority member
- Civil Rights Coordinator
- Farm Loan Chief.

Ideally, the FAC member or designee should be a non-FSA USDA employee who is qualified to make the determination specified in this subparagraph. If the SED contacts the other USDA FAC members and none wish to participate or designate a member of their staff to participate, SED shall document the contact and may choose a qualified FSA employee, who lends additional diversity, to be the fifth member of the Review Group.

B Review Procedure

The State FSA Civil Rights Independent Review Group shall:

- review the exhibits submitted to the State Office
- complete FSA-581.

FSA-581 must be signed by the FAC member or designee, SED, STC Minority Advisor or STC minority member, Farm Loan Chief, and Civil Rights Coordinator to show that no evidence of inconsistencies, inequitable treatment, or discrimination complaints, written or oral, exists and the borrower has received all applicable primary loan servicing options before proceeding with acceleration or foreclosure.

After all members of the State FSA Civil Rights Independent Review Group sign FSA-581, FAX it to LSPMD at 202-720-7686. LSPMD shall provide copies to the Director of FSA's Civil Rights and Small Business Utilization Staff (CR&SBUS).

If discrimination or disparate treatment is found, contact Acting Staff Director David Winningham, CR&SBUS, at either of the following:

- 202-401-7220 (telephone)
- 202-401-7100 (FAX).

Continued on the next page

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2 Action (Continued)

C

Using FSA-580

Local farm loan officials shall:

- complete FSA-580 on all cases, unless a checklist was previously completed under Notice FC-94, FC-114, FC-150, or FLP-6

Note: FSA-580 should become a part of the borrower's running case file record.

- use FSA-580 when processing all requests for primary loan servicing according to FmHA Instruction 1951-S.
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D

Completing FSA-580

Complete FSA-580 according to this table.

Part	Instructions
A and B	Complete if applications for servicing have been filed.
C and D	Complete if writedown or buyback was considered.
E	Complete on all cases.

Note: If an application was **not** received, make a note of this and any other appropriate comments in FSA-580, Parts A and E.

E

Review

All pending accelerations, forced liquidations, and foreclosures shall be reviewed on all real estate and chattel loans. If a borrower was reviewed in the acceleration phase, it is **not** necessary to complete another review in the foreclosure or liquidation phase.

F

Obsolete Notice

Notice FLP-6 is obsolete.
